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CHARLES ELMORE DROPLEY
CLERK

IN THE

Supreme Court of the United States

October Term, 1945.

No. 1097

JOHN KNUDSEN,

Petitioner and Appellee Below,

vs.

ARTHUR STEGMAN,

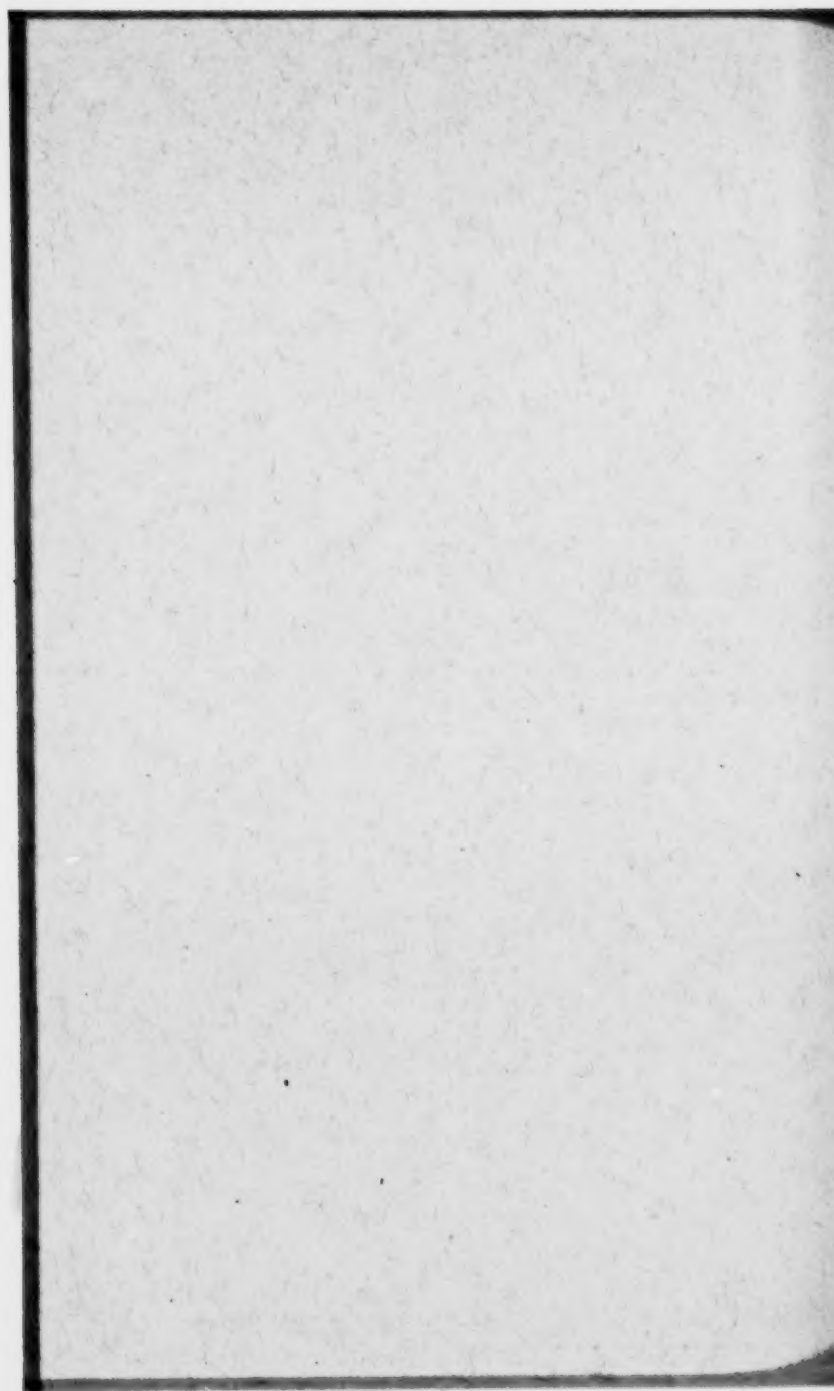
Respondent and Appellant Below.

Motion for Rehearing and Reconsideration of Petition
for Writ of Certiorari.

WALTER H. MALONEY and
GEORGE ACRET,

650 South Grand Avenue, Los Angeles 14,

Attorneys for Petitioner.



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Petition for writ of certiorari herein was denied May 20, 1946.

The denial of this petition has left petitioner with a finding of guilt of fraud, an indebtedness in excess of \$25,000.00 adjudged not dischargeable in bankruptcy, and with his life ruined without his ever having had a trial under the rules of the common law. The state court is merely supposed to have made such an adjudication upon a hearing of a motion based upon affidavits. [R. 203.]

In petitioner's brief herein we made reference to the entire findings of fact which are set forth in full in the Reporter's Transcript at page 193. We should have perhaps quoted in the brief a particular portion of the findings which were conclusive upon the correctness of the decision of the District Court and which it has never been contended are unsupported by the record in any respect. The Circuit Court completely ignored these particular findings, which are as follows:

"That if any question of fraud is open to be heard, which it is not, Knudsen has never at any time had any hearing upon any complaint or other pleading, or under the rules of the common law, upon such question of fraud, direct or otherwise; that the said order of said Superior Court, dated April 21, 1941, and the said findings of fact and said order of said referee, dated August 27, 1941, and the said order of said judge of this court dated July 25, 1942, if to any extent such orders and findings, or any of them, amount to a finding or adjudication of guilt of fraud against Knudsen, they and each of them, by reason of the facts aforesaid, are void and made beyond jurisdiction and each of them constitutes an attempt to take Knudsen's property, and his good name and reputation, and therefore one of his most precious liberties, without due process of law in violation of the 5th and 14th Amendments to the Constitution of the United States, and in violation of Article I, Section 13 of the Constitution of the State of California." [R. 204.]

It seems unthinkable that after a trial court has found a person's constitutional rights to have been violated in a manner which practically ruins his life that this court would permit the Circuit Court to disregard such findings and, without any showing of justification whatsoever, and without reason, to set the District Court's decision and judgment aside. Reference is again respectfully made to the entire findings of fact, none of which were held to be unsupported by evidence.

Respectfully submitted,

WALTER H. MALONEY and

GEORGE ACRET,

Attorneys for Petitioner.